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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,347	07/28/2003	Victor Ciccarelli	18730-0004	6349

7590 12/11/2007  
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EXAMINER
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PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/629,347

**Applicant(s)**

CICCARELLI, VICTOR

**Examiner**

Thierry L. Pham

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 9/19/07.
- Claims 1-18 are currently pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 rejected under 35 U.S.C. 102(b) as being anticipated by Solberg et al (US 6134338).

Regarding claim 1, Solberg discloses a method for providing actual scale information (actual scale image information, abstract, fig. 1a, col. 6, lines 15-67) of a digital image, comprising:

- digitizing (digitizing a source document, fig. 1a & fig. 4) a paper document (source document 190, fig. 1a) using a digitizing device (scanner 102, fig. 1a & fig. 4) to create a digital image (digital image, fig. 1a) & fig. 4;
- recording scale information (recording original scale information of physical document, fig. 4-6, col. 6, lines 15-67) associated with the paper document and the digitizing device;
- associating (fig. 4 & 6) the digital image and the scale information;
- storing (storing raster file, fig. 2 & fig. 4) the digital image and the associated scale information (stored image file contains original dimension and scale information, fig. 4 & fig. 6, abstract and col. 6, lines 15-67); and
- providing a digital image viewer (digital viewer, fig. 3) for, rendering the digital image, receiving drawing input (user's input via keyboard 132, fig. 4 & fig. 6) from a user comprising a line or a shape (lines and shapes, fig. 8), calculating a true scale measurement (calculating and/or correlating true scaling information of physical dimensions, fig. 4-8, col. 6, lines 15-67) of the drawn line or shape based at least in part on the scale information, and presenting the true scale

measurement to the user via the viewer (presenting to user via digital viewer as shown in fig. 4-8).

Regarding claim 2, Solberg further discloses the method of claim 1, wherein the scale information includes an original scale (col. 10, lines 40-50) of the paper document, a dots per inch (DPI) of the digitizing device (resolution, col. 17, lines 40-67), and an original size (col. 10, lines 40-50) of the paper drawing.

Regarding claim 3, Solberg further discloses the method of claim 1, wherein associating the digital image and the scale information comprises embedding the scale information in a header (header, fig. 5) of the digital image.

Regarding claim 4, Solberg further discloses the method of claim 1, wherein the digital image is a TIFF image (col. 19, lines 45-67).

Regarding claim 5, Solberg further discloses the methods of claim 4, wherein associating the digital image and the scale information comprises embedding the scale information in a header (fig. 4-7, col. 19, lines 45-67) of the TIFF image.

Regarding claims 6-9 recite limitations that are similar and in the same scope of invention as to those in claims 1-2, 4-5 (respectively) above; therefore, claims 6-9 are rejected for the same rejection rationale/basis as described in claims 1-2, 4-5 (respectively).

Regarding claims 10-14 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 10-14 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 1A for system configuration.

Regarding claims 15-18 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 15-18 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 7 for a sample viewer.

### ***Response to Arguments***

Applicant's arguments filed 9/19/07 have been fully considered but they are not persuasive.

- Regarding claims 1, 6, 10, and 15, the applicant argued the cited prior art of record (US 6134338 to Solberg et al) fails to teach and/or suggest "receiving drawing input from a user comprising a line or a shape and calculating a true scale measurement of the drawn line or shape based at least in part on recorded scale information".

In response, the examiner fully disagrees with applicant's assertions/arguments. Solberg teaches a method for scanning and digitizing an original document (e.g. hand drawn architectural drawings) and to store scanned document along with true scale information (e.g. heights, widths, depths, radius of curvature, and etc, col. 2, lines 50-65) of the original document in digital format. Solberg further teaches a mouse where it allows users/operators to draw lines, angles, and etc. (fig. 16). The system as taught by Solberg is to convert hand drawing documents into digital format (wherein digital format is further implemented using CAD application program for further processing) wherein all dimensions (e.g. lengths, depths scale information) are accurately maintained in digital format (col. 5, lines 40-48 and col. 8, lines 35-65). In addition, Solberg also teaches necessary hardware and software (e.g. CAD application) to extract and retrieve drawing dimensions (lengths, depths, and etc) from digital image (col. 13, lines 40-45). Inherently, CAD application includes tools for measuring true-scale distance between two points of the drawn lines. The examiner herein attaches a sample prior art that teaches a CAD application that allows users/operators to obtain true-scale measurements, see WO9850870 to Florenca.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number:  
10/629,347  
Art Unit: 2625

Page 5

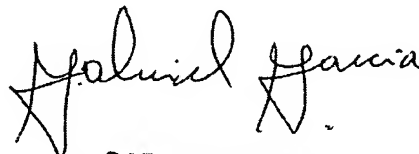
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA  
PRIMARY EXAMINER